

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**RODOLFO GARCIA,**

**Defendant.**

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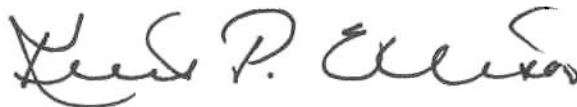
**CRIMINAL NO. H-05-0170-2**

**MEMORANDUM AND ORDER**

Pending before the Court are Defendant's motions for severance and for a separate hearing on the issue of conspiracy. At the motion hearing held on December 20, 2005, Defendant's attorneys informed the Court that Defendant is currently incarcerated in Guatemala and that his release date is uncertain. Accordingly, Defendant's pending motions, Docket Nos. 24 and 29, are **DENIED WITHOUT PREJUDICE TO REFILING** upon his release and return to the United States.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 11th day of January, 2006.



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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**